

1
2
3
4
5
6
7
8
9
10
11
12
13
14

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

TRACEY A. SEAY,

Petitioner,

vs.

STATE OF NEVADA, *et al.*,

Respondents.

2:12-cv-00005-KJD-PAL

ORDER

15 This represented habeas matter under 28 U.S.C. § 2241 comes before the Court for
16 initial review of the amended petition (#6). Following such review, service of this order and
17 the amended petition will be directed for a response.

18 IT THEREFORE IS ORDERED that the Clerk shall forward a copy of both this order
19 and the amended petition (#6) to the **Marshal** for service and that the Marshal shall effect
20 personal service upon **District Attorney Steven B. Wolfson, at the Office of the District**
21 **Attorney, 200 Lewis Avenue, Las Vegas, Nevada 89101**, or wherever he otherwise
22 personally may be found most efficiently and promptly by the Marshal.

23 IT FURTHER IS ORDERED that the Clerk shall informally electronically serve the
24 **Nevada Attorney General, Catherine Cortez-Masto**, with a copy of this order and of the
25 amended petition (#6).

26 IT FURTHER IS ORDERED that, within **fourteen (14) days** of the respective service
27 of this order, counsel with the respective respondents each shall enter a notice of
28 appearance. Either or both counsel may reflect in their notice of appearance that counsel for

1 a particular respondent will be taking primary responsibility in responding to the petition.
2 Counsel for the other respondent thereafter may defer to the counsel taking such primary
3 responsibility for the response without the need for further filings particularly by that counsel.
4 In other words, in the event that counsel for the District Attorney takes primary responsibility
5 for responding to the petition, counsel for the Attorney General thereafter may merely monitor
6 the file, or vice versa if the matter is handled differently.


7 IT FURTHER IS ORDERED, that, following the filing of the respective notice of
8 appearance, the Clerk of Court, upon request of counsel, shall regenerate notices of
9 electronic filing for all prior filings in the case. **The Court's intent is that respondents'**
10 **counsel thereby promptly and efficiently may request and obtain copies of all filings**
11 **in this matter prior to the notice of appearance.**

12 IT FURTHER IS ORDERED, that, within **thirty (30) days** of service on the respondent
13 taking primary responsibility in responding, counsel shall file a response to the amended
14 petition. **Counsel should note the observations at pages 1 to 2, with the supporting**
15 **citations in note 1, in the prior order (#5) prior to raising any defenses premised upon**
16 **lack of custody, abstention from federal review as to pending state criminal**
17 **proceedings, and/or deferential review under the Antiterrorism and Effective Death**
18 **Penalty Act (AEDPA).**

19 IT FURTHER IS ORDERED that petitioner shall have **thirty (30) days** to file an
20 opposition if a motion to dismiss is filed or a reply if an answer is filed.

21 IT FURTHER IS ORDERED that counsel shall apprise the Court of the then-current
22 state of proceedings in the challenged prosecution in each of their filings.

23 DATED: June 18, 2012

24
25 

26 _____
27 KENT J. DAWSON
28 United States District Judge